

## **LDEQ-ELI Disclosure and Waiver Statement**

I, \_\_\_\_\_ an intern of LDEQ shall comply with Department's policies and procedures regarding conflicts of interest and the Louisiana Code of Government Ethics. In addition, I shall notify my supervisor that a potential conflict of interest exists regarding analyses for a facility in which I or a relative of mine is currently or was formerly employed.

By my signature below I indicate that I have read, understand and will comply with the above statement. In addition, I have read and understand the LDEQ Ethics Policy 1027-05 and the LSD Ethics and Integrity Agreement, and agree to follow all provisions of each.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**ETHICS AND DATA INTEGRITY AGREEMENT**  
**Laboratory Services Division of LDEQ**

1. I, the undersigned certify that I understand that a high degree of integrity is required of me with regard to my duty and the data I report in connection with my employment at the Louisiana Department of Environmental Quality (LDEQ).
2. I agree that in the performance of my duties at LDEQ;
  - a. I shall not intentionally report data that are not the actual values obtained by the following APPROVED analytical procedures, as assigned by my supervisor. See line d for exception handling.
  - b. I shall not intentionally report the dates and times of analyses that are not the actual dates and times of analyses.
  - c. I shall not intentionally represent another individual's work as my own.
  - d. Any deviation from established Standard Operating Procedures will require reporting of the resulting data with a flag or annotation describing the departure from standard, who approved the departure, and why it was done.
3. I agree to inform promptly the Division Administrator, Laboratory Manager, my immediate supervisors, and the Quality Assurance Officer of any reporting of data known to me not to be authentic, whether such data were reported incorrectly by me or by any other person.
4. I understand that failure to adhere to this agreement will subject me to possible employment disciplinary measures.

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Individual Printed Name

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Individual Signature & Date

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Witness Printed Name

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Witness Signature & Date

**POLICY NUMBER: 1027-05**

**SUBJECT: ETHICS, INTEGRITY AND CONFLICT(S) OF INTEREST**

EFFECTIVE DATE: May 23, 2005

ISSUED: May 23, 2005

INQUIRIES TO: HUMAN RESOURCES

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## I. AUTHORITY

The Louisiana Code of Governmental Ethics, La. R. S. 42:1101, et seq. (the Ethics Code) requires each agency to provide information to its employees concerning ethics and conflicts of interest. The Louisiana Legislature's adoption of laws governing the conduct of government employees is required by the Louisiana Constitution, Article 10, Section 21. Additionally, La. R.S. 36:234 and 30:2011 give the Secretary of the Louisiana Department of Environmental Quality (LDEQ) the authority to determine the policies of the Department and to represent the public interest in the administration thereof.

## II. PURPOSE

The purpose of this policy is to ensure that the LDEQ has in place an effective system to ensure all employees are aware of ethics and integrity issues and know how to address them. This policy also addresses conflicts of interest issues and internal accountability control measures along with the promotion of positive organizational values.

## III. SCOPE, APPLICABILITY AND SEVERABILITY

This policy shall apply to all LDEQ employees and appointed officials. An employee may be subject to corrective and/or disciplinary action for a violation of any provision of this policy. Nothing in this policy shall serve to undermine, supersede, or supplant the authority of the Louisiana Board of Ethics (the Ethics Board). A determination by the Ethics Board that an employee has violated the Ethics Code shall be prima facie evidence of a violation of this policy. If a provision of this policy is declared to be invalid, the invalid provision shall not affect the remainder of this policy.

## IV. POLICY

### A. General

The mission of the LDEQ is to provide service to the people of Louisiana through comprehensive environmental protection in order to promote and

protect health, safety and welfare while considering sound policies regarding employment and economic development. It is critical to our mission that we build and foster trust and credibility with the public, other agencies of government, and the regulated community.

As public servants, we are each personally and professionally obligated to serve the public with honesty and integrity. The efficiency and orderly operation of the public service is impaired when LDEQ employees maintain an actual or perceived conflict of interest or otherwise violate the standards of behavior embodied in the Ethics Code and this policy.

It is essential to the proper operation of democratic government that public officials and public employees be independent and impartial; that government decisions and policy be made in the proper channel of the governmental structure; that public office and employment not be used for private gain other than remuneration provided by law; and that there be public confidence in the integrity of government.

Responsibility for compliance with ethics and integrity values rests with the individual rather than the collective, and the individual must therefore assume personal responsibility for his or her actions. Officials and employees must see the outcome of the ethical performance of their duties as furthering the purpose of the agency to protect and to serve the public, and to preserve and enhance the environment. There must be no mixed messages where ethics and integrity are concerned.

#### B. Core Values

An organizational culture of ethical behavior must be fostered by a consistent message of commitment to ethics and integrity by our executive staff, administrators, managers, supervisors, and technical leaders. Employees are more likely to follow through with and internalize ethical values if they trust that those at every level of management are truly committed to the same core ethical values. All levels of management at LDEQ shall reinforce the core ethical values of the agency, and will make reference to them when appropriate.

Performance and planning documents shall include awareness of and adherence to ethical standards as an employee performance expectation. Officials and employees should internalize the core values of the agency to the extent that they are at ease in interacting with diverse internal and external stakeholder groups and know what behavior is permissible and what is prohibited in terms of the Ethics Code and this policy. The core ethical values of the LDEQ are listed below.

1. Compliance with the Louisiana Code of Governmental Ethics and this policy in all respects.

Each new employee shall receive a copy of the Ethics Code and a copy of this policy. Every employee is responsible for reading and understanding the standards of behavior that apply to his or her conduct. The standards of

behavior set forth in the Ethics Code are hereby adopted in their entirety as if written herein. Therefore, any violation of a standard of behavior set forth in the Ethics Code is also a violation of this policy.

1 La. R.S. 42:1101 (B)

2 No particular importance should be accorded to the numeric order in which the Core Values appear.

2. Openness and transparency in the operations of the LDEQ and cooperation with all government agencies (law enforcement, legislative auditors, etc.).

Openness is ensured (relative to agency rule-making, proposed permitting actions, and settlement of penalty actions) when the public is provided adequate opportunity for review and comment. Transparency exists when the public has access to the agency's proposed and final actions, and the information and documents it considered in deciding to undertake those actions, in accordance with the public records law and other applicable laws and regulations. Official records and information in the possession of the agency are to be made available to the public following established agency procedures, as soon as feasible in light of all priorities and resource allocations.

Courtesy and cooperation are essential to any efficient collaboration of public interest representatives. Employees must respond to legitimate requests from other public agencies and officials promptly, accurately, fully, and courteously, without regard to personalities or prior personal experience.

3. Avoidance of prohibited political activities.

The State Civil Service Rules govern personnel practices and are binding upon classified employees in all state agencies and departments. Chapter 14<sup>3</sup> of the Civil Services Rules specifies prohibited activities, including those of a political nature. In addition, section 1116 of the Ethics Code details prohibitions against employees using their position for direct, indirect, or coercion of others to engage in political activity. Section 1118 of the Ethics Code and La. R.S. 24:56 prohibit public employees from lobbying the legislature.

4. Implementation and promotion of an organizational structure, policies and processes that support a culture of ethics and reduce the agency's vulnerability to misconduct.

The ethical organization incorporates ethical considerations into every operation, procedure, and strategy it adopts. It is understood that every significant management decision has ethical value dimensions.

3 To access Chapter 14, choose "Civil Service Rules" from the menu, then "Chapter 14."

5. Intra-agency communications, teamwork, honesty, objectivity, and diligence in the performance of all duties and responsibilities.

The Legislature has determined that the maintenance of a healthful and safe environment in Louisiana is a matter of critical concern. In order to efficiently accomplish the goals set forth by the Legislature in the Environmental Quality Act, it is necessary to provide for comprehensive policies on a state-wide basis to unify, coordinate, and implement programs to provide for the most advantageous use of the resources of the state and to preserve, protect, and enhance the quality of the environment in Louisiana. See La. R.S. 30:2002 and 2003. Considering the Legislature's mandate, open channels of internal communications and teamwork are essential.

Decisions made without appropriate notice to and/or consultation of all internal stakeholders and access to full agency knowledge regarding a particular issue fail to meet the legislative mandate, and may contribute to forum shopping and inconsistency, leading to a loss of public confidence. Therefore, LDEQ employees shall endeavor to cooperate fully across office, division, sectional, and unit lines, to ensure that the LDEQ has a unified position with respect to any given issue and that all related issues are considered to ensure the public's confidence in comprehensive, consistent policy and response. Silos must be avoided. The public derives value from the synergy offered by teamwork.

Honesty, objectivity, and diligence in the performance of all duties and responsibilities take many different forms. For example, officials and employees must avoid personal interests and improper influences in decision-making and in the implementation of decisions.

6. Professional conduct and integrity that is above reproach.

Officials and employees should be at ease in interacting with diverse internal and external stakeholder groups and know what behavior is permissible and what is prohibited in terms of the Ethics Code and this policy. There must be no mixed messages where ethics and integrity are concerned.

7. Fairness, reasonableness, and consistency in decision-making.

It is imperative that LDEQ's policies, procedures and actions be fair, reasonable, and consistent. Fairness in decision-making means that those who are entrusted with decision-making authority consider the facts impartially, without affinity or bias toward or prejudice against any person. Decision makers weigh all considerations, including the impact of the decision, so as to do justice to all parties. Reasonableness means that decision makers exercise their power in accordance with reason or sound thinking, avoiding results that would be extreme or excessive. Consideration of reasonable alternatives is part of decision-making. Decisions are made with the best interests of the State of Louisiana as a prime consideration, based upon the facts as determined in each situation.

8. Focus on the public being served and stakeholder involvement where appropriate.

Public service includes, at various times, informing, consulting, involving, and collaborating with the public or various segments thereof. An informed

public can better understand proposed agency actions and the basis for those actions. Better understanding fosters increased public participation. As public employees, we must serve the public with respect, concern, and courtesy, recognizing that service to the public is a higher calling, beyond service to oneself or in the interests of any one individual or group of individuals. Customer satisfaction is improved by fostering participation by the public at appropriate times in various LDEQ functions.

### C. Specific Prohibitions

1. The following list, while not comprehensive, contains illustrative situations which may constitute real or potential conflicts of interest and must, therefore, be avoided.
  - a. No LDEQ employee shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person who conducts operations or activities, which are regulated by the employee's agency. See La. R. S. 42:1115, along with La. R. S. 42:1102(2)(a), (18), and (22) for pertinent definitions.
  - b. It is the policy of LDEQ that employees may only receive reimbursement for official travel expenses from the Department, unless there are other arrangements approved in advance by the Undersecretary or Deputy Secretary. Payment of travel expenses directly to an employee from any person as defined in section 1102 (16) of the Ethics Code is prohibited.
  - c. Existing policy provides guidance to LDEQ employees who are asked by outside parties to perform inspections, make assessments, or give opinions on the environmental problems at a site. In accordance with LDEQ PPM 0007, no recommendation of any kind, for or against use of any particular individual or firm, should be given by any LDEQ employee. All that is permissible is to refer the requester to the appropriate section of the telephone directory or to the LDEQ list, when one exists, for the appropriate technical service providers.
  - d. Section 1116 of the Ethics Code provides that public employees are prohibited from using their position for private gain. It is the policy of LDEQ that no employee shall use action or inaction or the threat of such, or in any other way use public employment to create any private gain or advantage for themselves or anyone else.
  - e. The Ethics Code prohibits participation in certain agency transactions when it involves the employee, his or her immediate family member, or a legal entity in which the employee and/or his or her immediate family members owns a substantial/controlling interest. See Sections 1112 and 1116(C) of the Ethics Code for specific prohibitions.
  - f. Although the Department recognizes the right of employees to engage in outside employment in accordance with the Ethics Code, it reserves the right to require that outside employment be disclosed and submitted for administrative review and approval under certain circumstances, in accordance with LDEQ PPM 4009.

- g. Section 1111 of the Ethics Code prohibits any LDEQ employee from receiving anything other than salary and benefits from LDEQ in consideration of his or her state service.
- 2. Additionally, LDEQ employees shall not:
  - a. Disclose or use confidential information that is not generally available to the public for their own or another person's financial benefit.
  - b. Participate in transactions that they may substantially influence, if they know that a family member or business associate has a substantial financial interest in them.
  - c. Use public funds, time, or equipment for their own private gain, unless authorized by law.
  - d. Be financially interested in, or in any manner connected with, any contract or bid for furnishing supplies, material, services, and equipment of any kind to the LDEQ.
  - e. Accept or receive from any person, firm, or corporation to whom any contract may be awarded, directly or indirectly, by rebate, gift, or otherwise, any money or other thing of economic value, or receive any promise, obligation, or contract for future reward or compensation from any such party.

## V. RESPONSIBILITIES

- A. Employees are responsible for reading, comprehension of, and compliance with the Ethics Code and this policy and for reporting all potential violations as specified below in section VI.
- B. Supervisors, managers, administrators, and officials are responsible for ensuring that subordinates read, comprehend, and comply with the Ethics Code and this policy.
- C. The Undersecretary, in consultation with the Executive Counsel or his designee, is responsible for properly investigating and referring potential violations of the Ethics Code to the Ethics Board, and for development of a plan of implementation of this policy. The Undersecretary or his designee is also responsible to the Secretary for the functions of the Ethics Committee as noted in section VII below.
- D. The LDEQ Ethics Liaison is responsible for assisting employees, supervisors, managers, administrators, and officials in complying with the Ethics Code. The term "Ethics Liaison" as used herein refers to the person designated by the Undersecretary who is the primary contact for ethics matters at LDEQ. (See Section 1170 of the Ethics Code)
- E. The Human Resources Director, in consultation with the LDEQ Ethics Liaison, is responsible for providing periodic and recurring training on the requirements

of the Ethics Code, other legal requirements related to ethics and integrity and this policy.

## VI. REPORTING REQUIREMENTS

- A. Every employee who becomes aware of any conduct that may violate the Ethics Code and/or this policy shall report it immediately to his or her immediate supervisor, to the Human Resources Director, or to the LDEQ Ethics Liaison, using the form found in Appendix A of this document. All such reports shall be treated as confidential. If it is inappropriate for an employee to report the matter to his immediate supervisor, he or she should select one of the alternates above to receive the initial report.
- B. Every employee has the duty to prepare initial written documentation and to forward complaints of conduct received from the public that may constitute a violation of this policy or the Ethics Code to his or her immediate supervisor.
- C. All reports of conduct that may violate the Ethics Code and/or this policy, along with the initial documentation, shall be forwarded to the Ethics Liaison by the person receiving it. The Ethics Liaison evaluates all reports of suspected misconduct, and, in consultation with the Legal Affairs Division and the Human Resources Director, informs the appropriate office head and the Undersecretary, with recommendations.
- D. Disclosure of all actual and potential conflicts of interest is required of all employees.

## VII. ETHICS COMMITTEE

- A. The purpose of the Ethics Committee is to advise the Secretary on administration of ethics policy, further ensure adherence to Core Values, and facilitate the dissemination of new developments in ethics law.
- B. The members of the Ethics Committee shall be comprised of:
  - The Undersecretary or his designee
  - Human Resources Director
  - Ethics Liaison
  - At least one employee delegate each from the Offices of the Secretary, Environmental Services, Environmental Compliance, and Environmental Assessment
  - Any other person or persons selected by the Secretary or Undersecretary
- C. The committee serves at the Secretary's pleasure, and shall develop standard operating procedures for its functions.

## VIII. SANCTIONS/PENALTIES

The authority for disciplinary actions up to and including separation from employment is derived from Chapter 12 of the Civil Service Rules. Any violation of this policy subjects the individual to disciplinary action up to and including termination, depending on the nature and severity of the misconduct. Even in the absence of an actual violation, the mere appearance of misconduct as regards the Ethics Code or this policy may result in corrective action. See LDEQ PPM 0013, the Pre-disciplinary Policy, and PPM 1009, Disciplinary Actions. Other sanctions and penalties, both criminal and civil, may apply to misconduct.

## IX. QUESTIONS AND COMMENTS

- A. All questions related to requirements of the Ethics Code should be addressed to the Louisiana Board of Ethics staff or to the LDEQ Ethics Liaison.
- B. All questions related to requirements of this policy should be addressed to the Human Resources Director, who shall consult with the Legal Affairs and Regulation Development Division, Legal Affairs Section, on any question with legal implications.

## APPENDIX A

### DEPARTMENT OF ENVIRONMENTAL QUALITY Report of Possible Violation(s) of the LA Code of Governmental Ethics and/or LDEQ's Ethics Policy

Name Date

Office Job Title

Description of incident(s), including time, date, and place, which you believe may violate the Ethics PPM or the Ethics Code. Be very specific. If additional space is needed, please use the back of this form. Also, if available, please attach related documentation.

Please list the names of any witnesses to the incident(s).

Name Office

Name Office

Name Office

Have you notified your immediate supervisor or second line supervisor of the incident(s)?

If so, provide the name of the supervisor and date notified.

Supervisor's Name Date Notified

Reporter's Signature